

IN RE: PETITION FOR VARIANCE  
NW/S Magledt Road, 1000' NE of the  
c/I Hilltop Road  
(9820-A Magledt Road)  
11<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District

James W. Kincaid  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-498-A  
\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, James W. Kincaid. The Petitioner seeks relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were James W. Kincaid, property owner, Bill Fannin, Builder, and Bob Verderamo, former owner of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of .77 acres, more or less, zoned D.R.2, and is presently unimproved. The property was originally part of a larger tract owned by Robert J. Verderamo who, through the minor subdivision process, obtained approval to subdivide that tract to create three lots, one of which is the subject of the instant request.

Mr. Kincaid recently purchased the subject property and wishes to develop same with a single family dwelling and detached garage. Testimony indicated that the dwelling is currently under construction; however, a variance is needed for the proposed garage. Mr. Kincaid testified that he owns a boat and in order to store same within the garage, a higher door was needed which raised the roof line. Moreover, the increased height of the garage is needed in order to keep the

ORDER RECEIVED FOR FILING

Date

By

architectural style and pitch of the roof for the garage the same as that of the dwelling. Thus, the requested variance is necessary in order to provide safe storage of the boat and maintain the architectural compatibility of the proposed garage with the dwelling.

There were no adverse Zoning Plans Advisory Committee (ZAC) comments submitted by any County reviewing agency. In addition, no one appeared at the hearing in opposition to the request. Moreover, a letter of support was received from the adjacent property owners, John W. and Deborah E. Renier.

Based upon the testimony and evidence presented, it is clear the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale, and meets the spirit and intent of the zoning regulations. In my view, the relief requested is appropriate in this instance and should be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of August, 1999 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 20 feet in lieu of the maximum allowed 15 feet, for a proposed garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 8/5/99  
By [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

August 5, 1999

Mr. James W. Kincaid  
4113 Loch Lomond Drive  
Perry Hall, Maryland 21236

RE: PETITION FOR VARIANCE  
NW/S Magledt Road, 1,000' NE of the c/l Hilltop Road  
(9820-A Magledt Road)  
11th Election District – 6th Councilmanic District  
James W. Kincaid – Petitioner  
Case No. 99-498-A

Dear Mr. Kincaid:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Bill Fannin  
P.O. Box 10999, Parkville, Md. 21234

Mr. Robert J. Verderamo  
2838 Paper Mill road, Phoenix, Md. 21131

People's Counsel; Case File

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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9820 A Magdel Road

which is presently zoned D.R.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 20 FEET IN LIEU OF MAXIMUM 15 FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To allow for the 10' Garage door and maintain the roof pitch TO  
MATCH HOUSE AND MAINTAIN SAFE STORAGE OF BOAT

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 99-498-A

REC 9/15/98

## Legal Owner(s):

James William Kincaid

Name - Type or Print

Signature

Name - Type or Print

Signature

4113 Loch Lamond Dr. (410) 529-4169

Address

Telephone No.

Perry Hall,

City

MD

State

21236

Zip Code

## Representative to be Contacted:

Bill Fannin

Name

P.O. Box 10999

Address

(410) 882-3644

Telephone No.

Parkville, MD

City

State

21234

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING  
Reviewed By WNE/LTM

Date 6/9/99

ORDER RECEIVED FOR FILING

Date

By

**Post & Beam Construction Co., Inc.**

P.O.Box 10999  
Address Line 2  
Parkville, MD 21234

Phone 410-882-3644  
Fax 410-882-5010

June 09, 1999

Zoning Review  
Department of Permits and Development Management  
111 West Chesapeake Avenue  
Room 111  
Towson, MD 21204  
(410) 887-3391

**ZONING DESCRIPTION**

**ZONE DESCRIPTION FOR : 9820 A Magledt Road**

As recorded in Deed Liber 7938 , Folio 808

Meters and bounds: North 26 degrees 47 minute 48 seconds East 195.59 feet, South 70 degrees 00 minutes 33 seconds East 283.27 feet, South 18 degrees, 47 minutes, 47 seconds West 110.02 feet, North 70 degrees 00 minutes, 33 seconds West 282.69 feet, South 26 degrees 47 minutes 48 seconds West 84.81 feet, North 70 degrees 00 minutes 33 seconds to the place of beginning.

(1200' ± NORTHWEST OF MAGLEDT ROAD)

99-498-A

498

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **069881**

DATE 6/9/99 ACCOUNT 01-615  
131 13576/127m  
Item 498

AMOUNT \$ 50.00

RECEIVED FROM: Post & Belmont Const Co Inc - 9820 A Mayfield Rd

FOR: 310 - Res Virginia - \$50.00

**PAID RECEIPT**

PROCESS ACTUAL TIME  
 6/10/1999 6/09/1999 14:34:07  
 REG 0501 CASHIER JRIC JMR BRADNER  
 Dept 5 520 ZONING VERIFICATION  
 Receipt # 104691  
 CR NO. 069881

Receipt Tot 50.00  
 50.00 CR  
 Baltimore County, Maryland

**99-498-A**

DISTRIBUTION  
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

This receipt is valid only if it is signed by the Cashier or the Cashier's Representative. It is not valid if it is signed by anyone else.

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-498-A  
9820-A Magleott Road  
NW/S Magleott Road, 1000'  
NE of centerline Hilltop Road  
11th Election District  
6th Councilmanic District  
Legal Owner(s):

James William Kincaid  
Variances: to permit an accessory structure (detached garage) with a height of 20 feet in lieu of the maximum 16 feet.

Hearings: Friday, July 23, 1999 at 1:00 a.m. in Room 407, County Culture Bldg., 401 Bostley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

7/13/99 July 8 C323889

**CERTIFICATE OF PUBLICATION**

\_\_\_\_\_  
TOWSON, MD., 7/8/1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/8/1999.

THE JEFFERSONIAN,

*S. Wilkinson*

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-498-A  
PETITIONER/DEVELOPER:  
[James W. Kincaid]  
DATE OF Hearing  
[July 23, 1999]

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
9820-A Magledt Road Baltimore , Maryland 21234\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 7-8-99 \_\_\_\_\_  
[Month, Day, Year]

Sincerely,

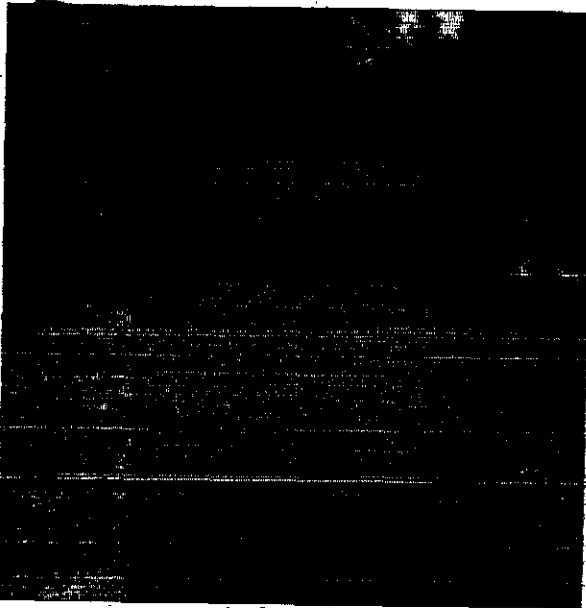
  
[Signature of Sign Poster & Date]

\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_\_ [410]-687-8405 \_\_\_\_\_  
[Telephone Number]







Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 21, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-498-A  
9820-A Magledt Road  
NW/S Magledt Road, 1000' NE of centerline Hilltop Road  
11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: James William Kincaid

Variance to permit an accessory structure (detached garage) with a height of 20 feet in lieu of the maximum 15 feet.

HEARING: Friday, July 23, 1999 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon" with a stylized "sq" or "59" at the end.

Arnold Jablon  
Director

c: James Kincaid  
Bill Fannin

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 8, 1999.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
July 8, 1999 Issue – Jeffersonian

Please forward billing to:

James William Kincaid                      410-529-4169  
4113 Loch Lomond Drive  
Perry Hall, MD 21236

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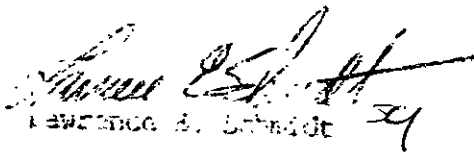
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401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: 99-498-A

Petitioner: James William Kincaid

Address or Location: 9820 A Maget Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: James William Kincaid

Address: 4113 Loch Lomond Drive

Perry Hall, MD 21236

Telephone Number: (410) 529-4169

Revised 2/20/98 - SCJ

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:            Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   July 1, 1999

FROM: *RWB* Robert W. Bowling, Supervisor  
              Bureau of Development Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
              for June 28, 1999  
              Item Nos. 489, 490, 492, 493, 495,  
              496, 498, 499, 500

and

Revised Petition & Plans Received  
for CASE NUMBER 98-467-SPHA  
St. Joseph Medical Center  
7601 Osler Drive

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc:   File

ZAC06289.NOC

les  
7/23

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** June 25, 1999

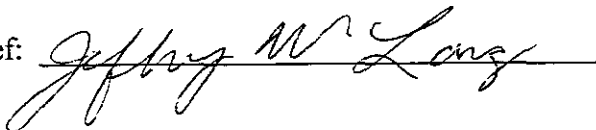
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):  
Item No(s): 493, 494, 496, 498, and 500

If there should be any questions or this office can provide additional information, please  
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Baltimore County  
Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

July 9, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

485, 487, 488, 489, 490, 491, 492, 493, 494, 495,  
496, 497, 498, 499, 500

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4831, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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RE: PETITION FOR VARIANCE  
9820-A Magledt Road, NW/S Magledt Rd,  
1000' NE of c/I Hilltop Rd  
11th Election District, 6th Councilmanic

Legal Owner: James W. Kincaid  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-498-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd July day of ~~June~~, 1999 a copy of the foregoing Entry of

Appearance was mailed to Bill Fannin, P.O. Box 10999, Baltimore, MD 21234, representative for Petitioner.



PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Bob Verderamo

2838 Paper Mill Rd

PHOENIX, Md 21131

Bill FANNIN

7805 CLARKWORTH PL

PARKVILLE MD 21234

James W Kincaid

4113 Loch Lomond Dr.

Balto. Md. 21236





July 10, 1999

TO Whom It May Concern:

We would like to recommend that  
you approve the variance for Mr.  
James Kincaid file #

Sincerely  
John W. Penier

Deborah E Penier

9818 Magleth Rd.  
BALTO. MD 21234  
410-882-2907

Noted

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

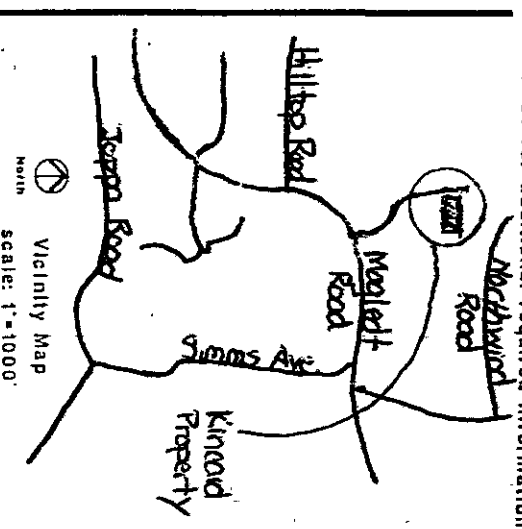
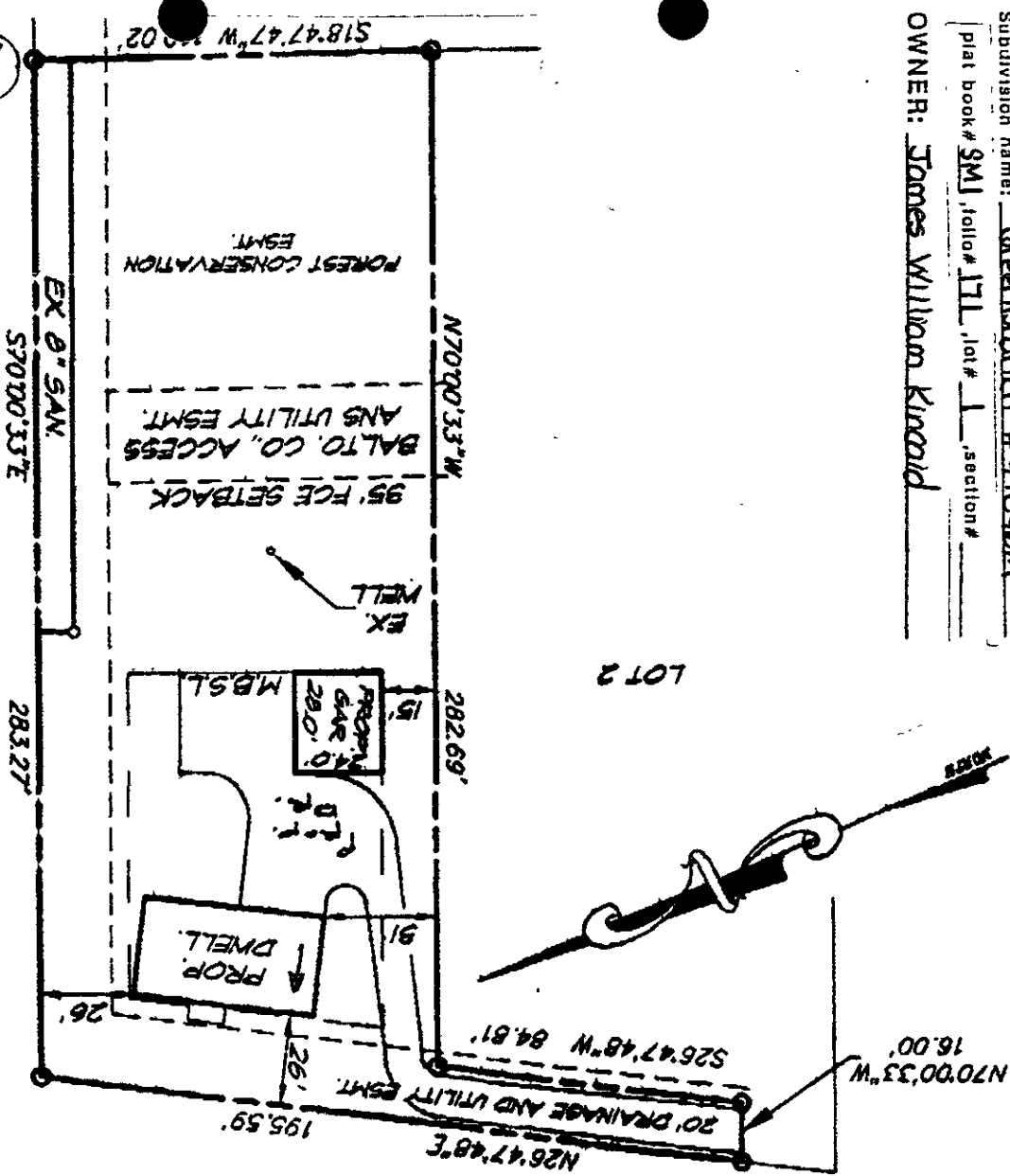
PROPERTY ADDRESS: 9820 A Magleth Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Greenbrook #94096M

plat book # 3M1, folio # 17L, lot # 1, section #

OWNER: James William Kincaid



## LOCATION INFORMATION

Election District: 11

Councilmanic District: 6

1"=200' scale map#: ME 10F

Zoning: PR2

Lot size: .77 acreage 33541.2 square feet

SEWER: ☒ public ☐ private  
WATER: ☐ public ☒ private

Chesapeake Bay Critical Areas: ☐ yes ☒ no

Prior Zoning Hearings:

NONE

## Zoning Office USE ONLY!

reviewed by: CTM ITEM #: CASE#:

prepared by: NJK 498 99-498-A

North  
date: 6/7/99  
prepared by: Robert Beam Coats Scale of Drawing: 1" = 50'

